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FACSIMILE TRANSMITTAL SHEET

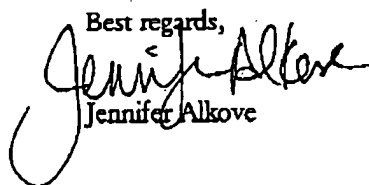
TO:	Refund Branch	FROM:	Jennifer Alkove
COMPANY:	USPTO - Deposit Accounts	DATE:	6/27/2008
FAX NUMBER:	571-273-6500	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	50-1732
RE:	Erroneous charge to Deposit Account	YOUR REFERENCE NUMBER:	50-1732

☐ URGENT ☐ FOR REVIEW ☒ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW

NOTES/COMMENTS:

Please find attached a copy of our deposit account statement for June, 2008. The charge for serial number 09/963,812 should have been in the amount of \$10. Please see the attached documentation for an explanation of the fee adjustment.

Please refund our deposit account for \$500.00. If you have any questions, please contact me.

Best regards,

Jennifer Alkove

NOTE: The information contained in this transmission is privileged and confidential and intended ONLY for the individual or entity named above. If you should receive this transmission in error, please notify our office and return to the below address via the U.S. Postal Service.

100 REGENCY FOREST DRIVE, SUITE 160**CARY, NC 27518****PH: (919) 238-2300****FAX: (919) 238-2301**

Deposit Account Statement

<https://ramps.uspto.gov/eram/Controller.jsessionid=0000U48ZdcUV...>United States
Patent and
Trademark OfficeDeposit Account Statement

Requested Statement Month: June 2008
Deposit Account Number: 601732
Name: WITHROW & TERRANOVA PLLC
Attention:
Street Address 1: P O BOX 1287
Street Address 2:
City: CARY
State: NC
Zip: 27512
Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/11 3	09963812	1104-032	1401	\$510.00	\$1,152.00
06/11 4	09963812	1104-032	1251	\$120.00	\$1,032.00
06/12 1	10262393	7000-195	1401	\$510.00	\$522.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$1,662.00	\$1,140.00	\$0.00	\$522.00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jorg G. Schleicher et al.

Examiner: Fadey S. Jabr

Serial No. 09/963,812

Art Unit: 3628

Filed: 09/26/2001

For: **METHOD AND SYSTEM FOR GENERATING REVENUE IN A PEER-TO-PEER
FILE DELIVERY NETWORK**

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

STATEMENT FOR DISCOUNTED NOTICE OF APPEAL

A Notice of Appeal is being filed concurrently with this statement. The Applicants previously filed a Notice of Appeal on July 7, 2006 and an Appeal Brief on December 6, 2006. The Applicants paid the \$500.00 fee associated with the Notice of Appeal and the Appeal Brief when each was filed.

In response to the Appeal Brief, an Examiner's Answer was mailed on February 27, 2007 and a Reply Brief was filed on April 24, 2007. The Appeal Brief was undocketed on October 5, 2007 in order for the Examiner to correct the Examiner's Answer mailed on February 27, 2007. A Supplemental Examiner's Answer was mailed on October 30, 2007 and a Response to the Examiner's Answer was filed on December 27, 2007. Prosecution was then reopened through the mailing of a final office action on February 4, 2008. As such, the Appeal Brief filed on December 6, 2006 was not reviewed by the Board of Patent Appeals and Interferences and no decision was rendered in response to the Appeal Brief. The Applicants have continued prosecution and concurrently file a new Notice of Appeal.

The Applicants should not have to pay the full amount of \$510.00 for this Notice of Appeal because the Notice of Appeal filed on July 7, 2006 and the Appeal Brief filed on December 6, 2006 had been paid for and no decision had been rendered. See M.P.E.P. § 1207.04. The Applicants note that the fee for a Notice of Appeal increased by \$10.00. As such, only the \$10.00 fee is due for the current Notice of Appeal. The Director is hereby authorized to charge the \$10.00 Notice of Appeal fee to Deposit Account 50-1732, and to consider this a petition therefor. If any additional fees are required in association with this Notice of Appeal, the

Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Anthony J. Josephson
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Date: May 13, 2008

Attorney Docket: 1104-032

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 06/11/2008

DJACOBS SALE #00000003 Mailroom Dt: 05/13/2008 501732 09963812
01 FC : 1401 510.00 DA
02 FC : 1251 120.00 DA

Adjustment date: 06/30/2008 SDIRETA1
06/11/2008 DJACOBS 00000003 501732 09963812
01 FC:1401 510.00 CR

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

1104-032

I hereby certify that this correspondence is being transmitted via
facsimile on the date indicated below to:

Examiner: _____

Fax Number: _____ Art Unit: _____

Date: _____

Signature _____

Typed or printed
name _____

In re Application of

Jorg G. Schleicher et al.

Application Number

09/963,812

Filed

9/28/2001

For METHOD AND SYSTEM FOR GENERATING REVENUE IN A PEER-TO-PEER FILE
DELIVERY NETWORK

Art Unit

3628

Examiner

Fadley S. Jabr

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 10.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced
by half, and the resulting fee is: \$ _____☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment
to Deposit Account No. 50-1732. I have enclosed a duplicate copy of this sheet.☐ A petition for an extension of time under 37 CFR 1.136(e) (PTO/SB/22) is enclosed.**WARNING: Information on this form may become public. Credit card information should not
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)☒ attorney or agent of record.
Registration number 45,742☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____

Signature

Anthony J. Josephson

Typed or printed name

919-238-2300

Telephone number

May 13, 2008

Date

**NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.**☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 06/30/2008 SDIRETA1
77707/2006 TL0111 00000034 09963812
01 FC:1401 -500.00 OP06/30/2008 SDIRETA1 00000003 501732 09963812
01 FC:1401 10.00 DA 500.00 OP